



CITY OF GAITHERSBURG  
MINUTES OF A REGULAR CITY COUNCIL MEETING  
MONDAY, OCTOBER 16, 2006

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A meeting of the Mayor and City Council was called to order at 7:30 p.m., Mayor Katz presiding. Council Members present: Alster, Edens, Marraffa, and Schlichting. Absent: Sesma. Staff present: Assistant City Managers Felton and Tomasello, Planning and Code Administration Director Ossont, Human Services Director Carr, Recreation Program Coordinator Comstock, Homeless Advocate Frazier-Bey, Information Technology Director Cottrell, City Attorney Borten and Executive Assistant Stokes. Planning Commissioners present for the joint public hearing: Bauer, Hopkins, Kaufman, Levy and Winborne.

**I. PLEDGE OF ALLEGIANCE**

The Pledge was led by Michael Rehm, Troop 207, Gaithersburg Presbyterian Church.

**II. INVOCATION**

The invocation was led by Jennie Kellogs, Baha'i Faith.

**III. APPROVAL OF MINUTES**

The minutes of the Mayor and City Council meeting held October 3, 2006, were deferred.

**IV. PRESENTATIONS**

**1. First Quarter Employee Recognition Awards, June 1, 2006 – August 31, 2006**

Assistant City Manager Felton joined Mayor Katz to present recognition awards to **Monique Comstock, Parks, Recreation, and Culture**, who was nominated for a quarterly award for the excellent work that she does on an ongoing basis in addition to organizing the 2006 Volunteer Coaches Picnic; and **James Frazier-Bey, City Manager's Office, Human Services**, who was nominated for a quarterly award for the excellent work that he does on an ongoing basis in addition to effectively balancing both roles of Acting Homeless Advocate and Primary Counselor at the Wells/Robertson House.

**2. Proclamation**

Mayor Katz issued a Proclamation of the Mayor and City Council designating October 15 - 21, 2006, as "*National CHARACTER COUNTS! Week*" in the City of Gaithersburg. This will be the City's 11<sup>th</sup> year of celebration. Human Services Director Carr announced the following scheduled activities: **11<sup>th</sup> Annual CHARACTER COUNTS! Poster Contest**, co-sponsored by Gazette Newspapers and Lakeforest Shopping Center for students of all grade levels, reception scheduled for Wednesday, October 18, 7 p.m. at Lakeforest Shopping Center; **7<sup>th</sup> Annual Elementary and Middle School Writing Contest**, co-sponsored by the Gaithersburg Rotary Club; and the **8<sup>th</sup> Annual High School Essay Contest Foundations for LifeSM**, co-sponsored by the Montgomery Village Rotary Club. She stated that the top five essays from each high school grade level go on to the national competition. A reception for both essay contests will be held on Thursday, October 19, 7 p.m. at the Activity Center at Bohrer Park at Summit Hall Farm.

**3. Day Laborer Report**

Assistant City Manager Tomasello stated the following:

A special work session was held on Thursday, October 12, 2006. During that meeting, the City Council voted three to one that the City Council pass a resolution with an amendment endorsing the Festival at Muddy Branch Shopping Center as an appropriate site for an employment center. He reported that City staff met with County staff the next day to begin working out the terms of the Memorandum of Understanding relating to the establishment, funding, and operation of the center as per the resolution.

He further stated that an anti-solicitation ordinance will be introduced as early as November 6, 2006. A draft of the proposed ordinance was distributed to the Mayor and City Council last week to receive their input. He stated that the proposed ordinance may have to be enacted as an emergency ordinance to be concurrent with the opening of the center.

**V. PUBLIC APPEARANCES**

1. *Cathy Drzyzgula, 16 Walker Avenue*, in honor of CHARACTER COUNTS! Week, she encouraged people to examine their behavior.
2. *Michael Stumborg, 15 Walker Avenue*, speaking on behalf of Prentiss Searles and himself, expressed support for the proposed anti-solicitation ordinance. He asked that language be included to address enforcement and penalties for all that violate the ordinance.

**VI. FROM THE MAYOR AND CITY COUNCIL/ANNOUNCEMENTS****Council Member Marraffa**

Announced and invited families to join in Gaithersburg's historic business district Trick or Treat in Olde Towne on Halloween night, Tuesday, October 31 from 6:30 to 8 p.m.

**Mayor Katz**

Requested and announced the following:

- Motion was made by Council Member Alster, seconded by Council Member Edens, that the City Council conduct a closed executive session on October 16, 2006, immediately following the scheduled regular meeting, pursuant to Sections 10-508(a)(7) and 10-508(a)(8), State Government Article of the Annotated Code of Maryland, to consult with legal counsel and staff concerning pending litigation. The topic to be discussed is the effect of a recent ruling from the federal court concerning a pending lawsuit in which the City was named a defendant.

Vote: 4-0

- Asked staff to contact the alternate Planning Commission and Board of Appeals candidates to determine if they are still interested in serving before making nominations.
- Joint Work Session scheduled for Monday, October 23, 2006, to review the permitted densities in existing residential zones.

**From Assistant City Manager Felton**

- Referred to the election memorandum sent to the Mayor and City Council on October 12, 2006. He stated that in preparation for the November 6, 2007 election, staff held their first meeting to address concerns with the Diebold Voting Equipment. He reported that the General Assembly may pass legislation dealing with the system, requiring modifications, but stated that City staff didn't think that the issues would be resolved in time for City elections. Staff will continue to communicate with the Board of Supervisors of Elections to discuss a back-up system. Mayor Katz asked staff to contact other local jurisdictions to investigate how they are addressing the concerns.

**VII. JOINT PUBLIC HEARING****T-378, Proposal to Amend Chapter 24 of the City Code, Article III, § 24-160G.5, Entitled, "Waiver of Development Standards," so as to Amend the Waiver Standards so that the City Council May, by Resolution, Waive the Building and Structure Height Requirements in the Corridor Development Zone (CD Zone) as Follows: for a Residential District to Allow a Height Not to Exceed Four (4) Stories or Forty-Eight (48) Feet**

Planning and Code Administration Director Ossont stated that the above joint public hearing was advertised in the *Gaithersburg Gazette* on September 27, 2006 and October 4, 2006, with 10 exhibits currently in the record. Staff has been working with Fairfield Residential, owners of Broadstone Apartments (formerly Stratford Place Apartments) on a potential redevelopment plan. During preliminary discussions with Fairfield, staff and the design team agreed that should a redevelopment occur, it would be desirable to redevelop under the Corridor Development Zone rather than the current R-20 Zone. Staff also believes that any redevelopment should be consistent with the objectives of the CD Zone and more importantly, the Frederick Avenue Master Plan which would have a mix of development to enhance the corridor with attractive architecture and streetscape elements. Staff identified an issue with height limits which has served as the catalyst for the proposed text amendment. Staff further believes that anything more than four stories is getting beyond that consistency and compatibility with surrounding areas. The current zoning ordinance allows the Mayor and City Council to grant height waivers only in the Employment District. The proposed text amendment would allow on a case by case basis to grant a waiver for one additional story in the Residential District, resulting in a total height of four stories and not more than 48 feet. In the event that the proposed text amendment were to be approved, Fairfield would still need to apply for a rezoning application which would include a schematic development plan application as well as all the customary Mayor and City Council and Planning Commission approvals. Mr. Ossont stated in response to a question that the rezoning would involve all properties, not just the property in question.

Speakers from the public:

1. *Jody Kline, Miller, Miller and Canby*, representing the owners of the Broadstone Apartment, stated that the proposed text amendment would give the City the flexibility in the residential sector to permit a project to go a story higher in height, if it was worthwhile. He further stated that given the opportunity, a project could be presented that would ensure compatibility with the surrounding neighborhood.
2. *Cathy Drzyzgula, 16 Walker Avenue*, expressed support for the proposed text amendment and the option to review building heights for projects on a case by case basis.

There were no other speakers at the hearing.

Motion was made by Commissioner Levy, seconded by Commissioner Winborne, to close the Planning Commission record on T-378, November 8, 2006, 5 p.m., with an anticipated recommendation on November 15, 2006.

Vote: 5-0

Motion was made by Council Member Marraffa, seconded by Council Member Alster, to close the City Council record on T-378, November 28, 2006, 5 p.m., with anticipated policy discussion on December 4, 2006.

Vote: 4-0

#### **VIII. ORDINANCES, RESOLUTIONS, AND REGULATIONS**

**1. Resolution to Join a Partnership Sponsored by the National League of Cities, Affirming our Commitment to Inclusion as a Fundamental Aspect of our Community**

Human Services Director Carr stated that this resolution would affirm the City's commitment to join 105 partners in 33 states, representing over 10 million people, in building inclusive communities. She stated that the partnership would offer the opportunity to celebrate and nationally publicize City programs and services that promote inclusion, equal opportunity, fairness, citizen participation, and engagement. She further stated that the partnership provides a mechanism for sharing valuable insights, experiences, and lessons learned among participating cities and towns.

Motion was made by Council Member Marraffa, seconded by, Council Member Alster, that a RESOLUTION OF THE MAYOR AND CITY COUNCIL TO JOIN A PARTNERSHIP SPONSORED BY THE NATIONAL LEAGUE OF CITIES, AFFIRMING OUR COMMITMENT TO INCLUSION AS A FUNDAMENTAL ASPECT OF OUR COMMUNITY (Resolution No. R-100-06), be approved.

Vote: 4-0

**2. Resolution to Purchase and Replace Mobile Data Computers**

Information Technology Director Cottrell stated that this resolution authorizes the expenditure of funds to purchase five new and 38 replacement Mobile Data Computers for City Police Vehicles from Pelican Mobile Computer, Inc. 2408 Peppermill Drive, Glen Burnie, Maryland 21202, in an amount not to exceed One Hundred Sixty-Two Thousand Dollars (\$162,000); said funds to be expended from the Computer Replacement Fund and Operating Budget.

Motion was made by Council Member Alster, seconded by, Council Member Edens, that a RESOLUTION OF THE MAYOR AND CITY COUNCIL AUTHORIZING THE CITY MANAGER TO PURCHASE AND REPLACE MOBILE DATA COMPUTERS (Resolution No. R-101-06), be approved.

Vote: 4-0

**3. Resolution Awarding a Matching Grant**

This resolution authorized the City Manager to award matching grants to the Kentlands Condominiums for landscaping (\$4,772.50); and the Park Summit Homeowners Association, Inc., for replacement of trees (\$2,347.50), upon determining that the projects were completed as proposed, in the total amount of Seven Thousand One Hundred Twenty Dollars (\$7,120); said funds to be expended from the Capital Improvements Budget.

Motion was made by Council Member Edens, seconded by, Council Member Schlichting, that a RESOLUTION OF THE MAYOR AND CITY COUNCIL AWARDING MATCHING GRANTS TO KENTLANDS CONDOMINIUMS AND PARK SUMMIT HOMEOWNERS ASSOCIATION, INC. (Resolution No. R-102-06), be approved.

Vote: 4-0

**IX. ADJOURNMENT**

There being no further business to come before this session of the City Council, the meeting was duly adjourned at 8:07 p.m.

Respectfully submitted,

*Doris R. Stokes*

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Executive Assistant